

PAM BASSEL STANDING CHAPTER 13 TRUSTEE

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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**IN RE:**

**CASE NO.: 20-43914-MXM -13**

**CARROLL JAMES LEBOUF III**  
2130 SHORELINE DR  
FLOWER MOUND, TX 75022  
SSN/TIN: XXX-XX-5878

**CHALLIS LEE LEBOUF**  
2130 SHORELINE DR  
FLOWER MOUND, TX 75022  
SSN/TIN: XXX-XX-3862

**DEBTORS**

**HEARING: MAY 20, 2021 AT 8:30 AM**

**TRUSTEE'S AMENDED OBJECTION TO CONFIRMATION**

TO THE HONORABLE U.S. BANKRUPTCY JUDGE:

NOW COMES Pam Bassel Standing Chapter 13 Trustee and files this Trustee's Amended Objection to Confirmation. Trustee would respectfully show the Court:

In addition to the grounds alleged in the previous objection, which are incorporated herein by reference, the Trustee objects to confirmation for the following reason(s):

The Plan fails to meet the feasibility test of 11 U.S.C. Section 1325 (a) (6). Debtors' Plan provides for the following plan payments:

TO THE TRUSTEE THE SUM OF \$500.00 FOR THE FIRST MONTH; \$2,300.00 FOR THE NEXT MONTH;  
\$3,225.00 FOR THE FOLLOWING MONTH; \$5,550.00 PER MONTH FOR THE FINAL 57 MONTHS FOR A  
TOTAL OF \$322,375.00 IN 60 MONTHS.

Debtors' monthly surplus per Schedules I and J is \$-3,227.76. The Plan also is not feasible for the following reason(s) if any:

Trustee is unable to determine if the Plan meets the requirements of 11 U.S.C. Section 1322 and 1325 because:

DEBTOR TESTIFIED AT THE 341 MEETING HE HAS ADDITIONAL INCOME FROM CONSULTANT WORK IN AFRICA NOT DISCLOSED ON SCHEDULE I.

Debtors failed to meet the requirements of 11 U.S.C. Section 1325(a)(1) because Debtors have not provided Trustee the most recent federal income tax return as required by Section 521(e). As of the 341 Meeting of Creditors, the tax return(s) for the following tax year(s) had not been provided to the Trustee: 2019 .

The Plan does not meet the requirements of the best interests of creditors test of 11 U.S. C. Section 1325(a) (4). Debtors have equity in non-exempt property as follows:

8 VEHICLES \$24,850  
CAR HAULER \$2500  
24' UTILITY TRAILER \$2500  
3 BOATS \$19,200  
6 ATVS \$12,500  
BUSINESS CHECKING ACCOUNT \$7.52  
3 SHOTGUNS \$1000  
PISTOL 45 ACP \$300

The total equity in non-exempt property is approximately \$ 109641.24 but the Plan provides for equity in non-exempt property of only \$61,557.52.

WHEREFORE, Trustee prays confirmation be DENIED and for general relief.

Respectfully submitted,

By: /s/ Ethan S. Cartwright  
Ethan S. Cartwright, Staff Attorney  
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#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served on or before the date of filing. Service was accomplished electronically on Debtors' attorney and all parties entitled to electronic notice and by first class mail on the Debtors and the parties listed below, if any.

By: /s/ Ethan S. Cartwright  
Ethan S. Cartwright

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